

## REMARKS

### Claim Objections

The Examiner has objected to claim 15 as being of improper dependent form.

Claim 15 depends ultimately from claim 13, not claim 1. Notwithstanding, Applicant has amended claim 15 to clarify that the ammunition requirements are stored in a database. Accordingly, the objection to claim 15 is traversed.

### §112, Paragraph 1, Claim Rejections

The Examiner has rejected claims 1-12, 13-32 and 64 under 35 U.S.C. §112 as failing to comply with the written description requirement.

Applicant has amended claims 1, 13 and 64 to include language suggested by the Examiner as supported in the specification at page 7, lines 13-23. Accordingly, the rejection to claims 1, 13 and 64 is traversed and the rejection to claims depending from claims 1, 13 and 64 is now moot.

### §112, Paragraph 2, Claim Rejections

The Examiner has rejected claims 1-12, 13-32 and 64 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as his invention. Particularly, the Examiner interprets “obtaining a computer” as “procuring a computer”.

In view of Applicant’s amendment to claims 1, 13 and 64, the rejection is traversed.

### §101 Claim Rejections

The Examiner has rejected claims 1-12, 13-32 42-49 and 64 under 35 U.S.C. §101 as non-statutory subject matter for failing to tie the process to a particular apparatus or transform an article or materials.

Applicant has amended claims 1, 13, 42 (was already tied to a computer) and 64 to include a particular apparatus, namely, a computer, thereby traversing the rejection and rendering the rejection of all claims depending from claims 1, 13, 42 and 64 moot.

### §103(a) Rejections

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §102(b) as unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) in view of Andrews (Knowledge can be power when buying right system – research prevents committing compucide, published 09/24/1985). Applicant respectfully traverses.

Applicant has amended claim 1 to include the limitation that Applicant's process computes and forecasts ammunition requirements for training events, wherein forecasting is taught in the specification in at least page 18, lines 4-15.

TAMIS-R requires that the ammunition required for training be input into TAMIS-R. To the contrary, Applicant's invention computes ammunition requirements as an output based on resources and training requirements, wherein it is the training requirements that are input into Applicant's system and method by the unit level, which then receives its forecast of ammunition requirements for the training from Applicant's invention, and wherein the forecast schedules the delivery, etc. of the ammunition. FIG. 4, "Unit Training Planner" graphic user interface (GUI), illustrates how the user selects or builds training events in Applicant's invention. FIGS. 4 and 6B describe and depict steps 430, 432, 434, and 436 and are further taught at page 17, line 12 through page 18, line 2.

TAMIS-R does not compute a forecast of ammunition requirements based on training events. Instead, TAMIS-R merely manages already existing ammunition as has been input. TAMIS-R lacks the ability to provide a forecast of ammunition requirements for training events needed to attain selected training goals. Again, such ammunition requirements must be input into TAMIS-R, not output therefrom, while Applicant's process and system generate ammunition requirements based on selected training events and output said ammunition requirements.

Ross manages allocation and accounting of ammunition and does not forecast ammunition requirements based on training events. The 'forecasts' of Ross are developed outside of Ross by hand at the user level and then are input as manual totals into TAMIS-R. The Applicant's invention enables the user to develop training events from training goals within the system and allows precise tracking through requests, allocation and distribution (all lacking in Ross). More importantly, Ross clearly states that TAMIS-R does an excellent job at managing and ROLMS at accounting, but neither ROLMS, nor TAMIS-R have functionality that met parts of the requirement. Since the only part of the requirement outside of managing and accounting is forecasting, it is clear that neither ROLMS, nor TAMIS-R have this capability of forecasting, while Applicant's invention does.

To the contrary, Applicant's invention specifically calculates and identifies ammunition from the training events necessary to achieve selected training goals and provides a forecast of ammunition requirements. Accordingly, the rejection of claim 1 is traversed. Since claim 2 depends from claim 1, the rejection of claim 2 is now moot.

#### §103(a) Rejections

The Examiner has rejected claims 3-8 under 35 U.S.C. §103(a) as unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) and Andrews

(Knowledge can be power when buying right system – research prevents committing compucide, published 09/24/1985) in view of Lidow (U.S. Patent 7,003,474 B2). Applicant respectfully traverses.

Applicant has amended claim 1, traversing the Examiner's rejection. Claims 3-8 depend from claim 1. Accordingly, the rejection of claims 3-8 is now moot. As stated above, Ross does not comprise all the elements of the Applicant's invention. Further, Ross in combination with Andrews and Lidow '474 does not render the Applicant's invention obvious because the combination still lacks every element of the Applicant's invention.

The Examiner has rejected claims 9-79 under 35 U.S.C. §103(a) as unpatentable over Ross (Ammunition Accounting and Management Below Retain, Jan. 2002), Andrews (Knowledge can be power when buying right system – research prevents committing compucide, published 09/24/1985) and Lidow '474 and in further view of Pure & Natural Diaper Service ([www.seattlediaper.com](http://www.seattlediaper.com), published 02/02/2002). Herein referred to as Pure. Applicant respectfully traverses.

In view of Applicant's amendment to claims 1, 13, 42 and 64, wherein Applicant's invention includes creating a forecast of ammunition requirements for training events, the rejection is traversed. As stated above, Ross does not comprise all the elements of the Applicant's invention, particularly since Ross does not teach forecasting of ammunition for training events. Thus, even if Ross was combined with Andrews, Lidow '474 and Pure, such a combination does not render the Applicants' invention obvious because the combination still lacks every element of the Applicants' invention. More particularly, Applicant respectfully asserts that Pure is non-analogous art because there is absolutely no logical reason a person would look to a diaper distributor or their technology in the design of forecasting ammunition requirements for military unit training events, and specifically, to create a forecast

from training events. There is no rationale for management of diaper inventories that is related to forecasting of requirements for training events.

The Applicant's invention enables the user to create a forecast within the system of training events required to provide selected training goals and allows precise tracking through requests, allocation and distribution (all lacking in Ross). Further, TAMIS-R requires input (rather than output) of training event ammunition requirements in order to manage ammunition logistics (TAMIS-R thus comprises only the backend of Applicant's system).

#### CONCLUSION

All amendments are as to form and no new matter has been added. Applicant respectfully asserts that the claims distinguish over the references for the reasons stated and requests that the instant application be allowed to issue, since all claims herein are now in condition for allowance. Further, in view of the amendments to the independent claims, the Examiner's rejection of all independent claims and all claims depending therefrom is now moot. Otherwise, should the Examiner have any questions regarding this submission, the Examiner is invited to contact the undersigned counsel at the address or telephone number below.

Respectfully submitted, this 23<sup>rd</sup> day of March, 2009,



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